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Legislative History – Montana Session Law

Chapter: 400 Session L: 2005
Bill Number: SB 289

Checklist of Bill History

History and Final Status Sheet	☒
Introduced Bill	☒
Fiscal Note	☒
Third Reading Bill	☒
Final Version of Bill	☒

House

Committee: Business and Labor

Hearing Date(s): 03/30/2005

Committee Report: Bill Concurred

Senate

Committee: Local Government

Hearing Date(s): 02/08/2005

Committee Report: Bill passed as amended

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: Charlotty Herman

Date: 06/30/2026

Notes: No conference committee; no minutes or exhibits

10/01/2005. . . . . Ch. 273 . . . . . HB 167
10/01/2005. . . . . Ch. 274 . . . . . HB 244
10/01/2005. . . . . Ch. 275 . . . . . HB 297
10/01/2005. . . . . Ch. 276 . . . . . HB 307
10/01/2005. . . . . Ch. 277 . . . . . HB 326
10/01/2005. . . . . Ch. 285 . . . . . SB 299
10/01/2005. . . . . Ch. 291 . . . . . HB 295
10/01/2005. . . . . Ch. 292 . . . . . HB 363
10/01/2005. . . . . Ch. 296 . . . . . SB 1
10/01/2005. . . . . Ch. 301 . . . . . SB 274
10/01/2005. . . . . Ch. 302 . . . . . SB 290
10/01/2005. . . . . Ch. 303 . . . . . SB 412
§§ 1-22 and 24-26
10/01/2005. . . . . Ch. 313 . . . . . HB 49
10/01/2005. . . . . Ch. 316 . . . . . HB 70
10/01/2005. . . . . Ch. 331 . . . . . HB 324
10/01/2005. . . . . Ch. 333 . . . . . HB 436
10/01/2005. . . . . Ch. 338 . . . . . HB 513
10/01/2005. . . . . Ch. 339 . . . . . HB 522
10/01/2005. . . . . Ch. 342 . . . . . HB 684
10/01/2005. . . . . Ch. 344 . . . . . HB 759
10/01/2005. . . . . Ch. 346 . . . . . SB 33
10/01/2005. . . . . Ch. 347 . . . . . SB 62
10/01/2005. . . . . Ch. 348 . . . . . SB 80
10/01/2005. . . . . Ch. 349 . . . . . SB 86
10/01/2005. . . . . Ch. 351 . . . . . SB 122
10/01/2005. . . . . Ch. 357 . . . . . SB 160
10/01/2005. . . . . Ch. 358 . . . . . SB 174
10/01/2005. . . . . Ch. 359 . . . . . SB 182
10/01/2005. . . . . Ch. 361 . . . . . SB 208
10/01/2005. . . . . Ch. 362 . . . . . SB 304
10/01/2005. . . . . Ch. 363 . . . . . SB 311
10/01/2005. . . . . Ch. 364 . . . . . SB 381
10/01/2005. . . . . Ch. 366 . . . . . SB 459
10/01/2005. . . . . Ch. 367 . . . . . SB 500
10/01/2005. . . . . Ch. 370 . . . . . SB 384
10/01/2005. . . . . Ch. 375 . . . . . SB 70
10/01/2005. . . . . Ch. 376 . . . . . SB 74
10/01/2005. . . . . Ch. 384 . . . . . SB 123
10/01/2005. . . . . Ch. 388 . . . . . SB 164
10/01/2005. . . . . Ch. 389 . . . . . SB 183
10/01/2005. . . . . Ch. 392 . . . . . SB 231
10/01/2005. . . . . Ch. 393 . . . . . SB 245
10/01/2005. . . . . Ch. 396 . . . . . SB 275
10/01/2005. . . . . Ch. 398 . . . . . SB 279
10/01/2005. . . . . Ch. 400 . . . . . SB 289
10/01/2005. . . . . Ch. 406 . . . . . SB 358
10/01/2005. . . . . Ch. 407 . . . . . SB 388
10/01/2005. . . . . Ch. 408 . . . . . SB 406
10/01/2005. . . . . Ch. 411 . . . . . SB 452
10/01/2005. . . . . Ch. 412 . . . . . SB 458
10/01/2005. . . . . Ch. 413 . . . . . SB 466
10/01/2005. . . . . Ch. 418 . . . . . SB 498
10/01/2005. . . . . Ch. 419 . . . . . SB 503
10/01/2005. . . . . Ch. 422 . . . . . SB 308
10/01/2005. . . . . Ch. 423 . . . . . SB 426
10/01/2005. . . . . Ch. 427 . . . . . HB 179
10/01/2005. . . . . Ch. 428 . . . . . HB 192
§§ 3-9, 12-17, 21, 23-39, and 41
10/01/2005. . . . . Ch. 429 . . . . . HB 197
10/01/2005. . . . . Ch. 433 . . . . . HB 230
10/01/2005. . . . . Ch. 435 . . . . . HB 250
10/01/2005. . . . . Ch. 436 . . . . . HB 254
10/01/2005. . . . . Ch. 438 . . . . . HB 317
10/01/2005. . . . . Ch. 441 . . . . . HB 348
10/01/2005. . . . . Ch. 444 . . . . . HB 474
10/01/2005. . . . . Ch. 446 . . . . . HB 590
10/01/2005. . . . . Ch. 450 . . . . . SB 261
10/01/2005. . . . . Ch. 456 . . . . . SB 380
10/01/2005. . . . . Ch. 461 . . . . . HB 60
10/01/2005. . . . . Ch. 465 . . . . . HB 146
10/01/2005. . . . . Ch. 469 . . . . . HB 188
§§ 1-3, 5-21, and 23-40

4/20	SENT TO ENROLLING		
4/25	RETURNED FROM ENROLLING		
4/25	SIGNED BY PRESIDENT		
4/25	SIGNED BY SPEAKER		
4/25	TRANSMITTED TO GOVERNOR		
5/02	SIGNED BY GOVERNOR		
5/03	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 572		
	EFFECTIVE DATE: 7/01/2005 - ALL SECTIONS		

SB 288 INTRODUCED BY COONEY *LC1767 DRAFTER: PETESCH*

CLARIFY USE OF INTERCAP LOANS

BY REQUEST OF GOVERNOR

1/24	INTRODUCED		
1/24	REFERRED TO FINANCE AND CLAIMS		
2/09	HEARING		
2/10	COMMITTEE EXECUTIVE ACTION—BILL PASSED	19	0
2/10	COMMITTEE REPORT—BILL PASSED		
2/12	2ND READING PASSED ON VOICE VOTE	49	0
2/14	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO STATE ADMINISTRATION		
4/01	HEARING		
4/01	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	16	0
4/01	COMMITTEE REPORT—BILL CONCURRED		
4/07	2ND READING CONCURRED	93	6
4/08	3RD READING CONCURRED	91	6
	RETURNED TO SENATE		
4/11	SENT TO ENROLLING		
4/12	RETURNED FROM ENROLLING		
4/14	SIGNED BY PRESIDENT		
4/15	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/25	SIGNED BY GOVERNOR		
4/26	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 399		
	EFFECTIVE DATE: 4/25/2005 - ALL SECTIONS		

SB 289 INTRODUCED BY LAIBLE *LC0519 DRAFTER: KURTZ*

EXEMPTION FROM CITY LICENSE FEES OR TAX FOR CERTAIN OCCUPATIONS

10/19	FISCAL NOTE NEEDED		
1/24	INTRODUCED		
1/24	REFERRED TO LOCAL GOVERNMENT		
1/24	FISCAL NOTE REQUESTED		
2/01	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE SIGNED		
2/01	FISCAL NOTE PRINTED		
2/08	HEARING		
2/16	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	11	0
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING PASSED ON VOICE VOTE	50	0
2/21	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO BUSINESS AND LABOR		
3/30	HEARING		
3/30	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	18	0
3/30	COMMITTEE REPORT—BILL CONCURRED		
4/08	2ND READING CONCURRED	95	3
4/09	3RD READING CONCURRED	93	6
	RETURNED TO SENATE		
4/11	SENT TO ENROLLING		
4/12	RETURNED FROM ENROLLING		
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/25	SIGNED BY GOVERNOR		

4/26	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 400		
	EFFECTIVE DATE: 10/01/2005 - ALL SECTIONS		

SB 290 INTRODUCED BY MANGAN *LC0394 DRAFTER: KURTZ*

REVISE SANITATION REVIEW FOR SUBDIVISIONS

1/24	INTRODUCED		
1/24	REFERRED TO LOCAL GOVERNMENT		
1/24	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE SIGNED		
2/01	FISCAL NOTE PRINTED		
2/08	HEARING		
2/11	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	11	0
2/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED AS AMENDED ON VOICE VOTE	48	2
2/17	3RD READING PASSED	45	4
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO LOCAL GOVERNMENT		
3/29	HEARING		
4/01	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED AS AMENDED	16	2
4/01	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/05	2ND READING CONCURRED	66	34
4/06	3RD READING CONCURRED	73	26
	RETURNED TO SENATE WITH AMENDMENTS		
4/08	2ND READING HOUSE AMENDMENTS CONCURRED ON VOICE VOTE	50	0
4/09	3RD READING PASSED AS AMENDED BY HOUSE	48	2
4/11	SENT TO ENROLLING		
4/12	RETURNED FROM ENROLLING		
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
4/20	CHAPTER NUMBER ASSIGNED		
	CHAPTER NUMBER 302		
	EFFECTIVE DATE: 10/01/2005 - ALL SECTIONS		

SB 291 INTRODUCED BY D. RYAN *LC1086 DRAFTER: ERICKSON*

QUALITY HOME SCHOOL AND CHILD PROTECTION ACT

1/25	INTRODUCED		
1/25	REFERRED TO EDUCATION AND CULTURAL RESOURCES		
2/08	FISCAL NOTE RECEIVED		
2/08	FISCAL NOTE SIGNED		
2/08	FISCAL NOTE PRINTED		
2/14	HEARING		
2/15	TABLED IN COMMITTEE		
3/01	MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL		

SB 292 INTRODUCED BY BARKUS *LC1908 DRAFTER: EVERTS*

REVISE STATE AND LOCAL GOVERNMENT FINANCE LAWS

12/16	FISCAL NOTE NEEDED		
1/25	INTRODUCED		
1/25	REFERRED TO TAXATION		
1/25	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
2/01	HEARING		
2/02	FISCAL NOTE PRINTED		
2/04	COMMITTEE EXECUTIVE ACTION—BILL PASSED AS AMENDED	9	0
2/04	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED ON VOICE VOTE	50	0
2/08	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO TAXATION		
3/15	HEARING		
4/07	COMMITTEE EXECUTIVE ACTION—BILL CONCURRED	19	1
4/07	COMMITTEE REPORT—BILL CONCURRED		
4/13	2ND READING CONCURRED	74	25
4/14	3RD READING CONCURRED	84	16

SENATE BILL NO. 289

INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A LOCAL GOVERNMENT WITH SELF-GOVERNING POWERS FROM IMPOSING A LICENSE FEE OR TAX ON A REAL ESTATE BROKER OR SALESPERSON; AND AMENDING SECTIONS 7-1-111 AND 37-51-312, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-1-111, MCA, is amended to read:

"7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation), except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of $500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms, except that a local government has the power to regulate the carrying of concealed weapons;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation;

(12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);

(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

(14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;

(15) any power to impose a license fee or tax on a real estate broker or salesperson as provided in 37-51-312."

Section 2. Section 37-51-312, MCA, is amended to read:

"37-51-312. No taxation by municipality. ~~No~~ A license fee or tax may not be imposed on a real estate broker or salesperson by a municipality or any other political subdivision of the state, including a local government with self-governing powers."

- END -

SENATE BILL NO. 289

INTRODUCED BY LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROHIBITING~~ PROVIDING THAT A LOCAL GOVERNMENT WITH SELF-GOVERNING POWERS ~~FROM IMPOSING~~ MAY NOT IMPOSE A LICENSE FEE OR LICENSE TAX ON A REAL ESTATE BROKER OR SALESPERSON; AND AMENDING ~~SECTIONS 7-1-111 AND~~ SECTION 37-51-312, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~**Section 1.** Section 7-1-111, MCA, is amended to read:~~

~~**"7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from exercising the following:~~

~~(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;~~

~~(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation), except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;~~

~~(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;~~

~~(4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;~~

~~(5) any power that establishes a rate or price otherwise determined by a state agency;~~

~~(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;~~

~~(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;~~

~~(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of $500, 6 months' imprisonment, or both, except as specifically authorized by statute;~~

~~(9) any power that applies to or affects the right to keep or bear arms, except that a local government~~

~~has the power to regulate the carrying of concealed weapons;~~

~~(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;~~

~~(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation;~~

~~(12) except as provided in 7-3-1105, 7-3-1222, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife);~~

~~(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.~~

~~(14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;~~

~~(15) any power to impose a license fee or tax on a real estate broker or salesperson as provided in 37-51-312~~."

Section 1. Section 37-51-312, MCA, is amended to read:

"37-51-312. No taxation by municipality. ~~No~~ (1) A license fee or LICENSE tax may not be imposed on a real estate broker or salesperson AS A CONDITION TO THE PRACTICE OF THE BROKER'S OR SALESPERSON'S PROFESSION by a municipality or any other political subdivision of the state, including a local government with self-governing powers.

(2) THIS SECTION DOES NOT PROHIBIT A MUNICIPALITY OR OTHER POLITICAL SUBDIVISION OF THE STATE FROM IMPOSING A GENERAL BUSINESS LICENSE FEE OR GENERAL BUSINESS LICENSE TAX ON AN ESTABLISHMENT AS A CONDITION OF CONDUCTING BUSINESS IN THE MUNICIPALITY'S OR OTHER POLITICAL SUBDIVISION'S JURISDICTION."

- END -

AN ACT PROVIDING THAT A LOCAL GOVERNMENT WITH SELF-GOVERNING POWERS MAY NOT IMPOSE A LICENSE FEE OR LICENSE TAX ON A REAL ESTATE BROKER OR SALESPERSON; AND AMENDING SECTION 37-51-312, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-51-312, MCA, is amended to read:

"37-51-312. No taxation by municipality. ~~No~~ (1) A license fee or license tax may not be imposed on a real estate broker or salesperson as a condition to the practice of the broker's or salesperson's profession by a municipality or any other political subdivision of the state, including a local government with self-governing powers.

(2) This section does not prohibit a municipality or other political subdivision of the state from imposing a general business license fee or general business license tax on an establishment as a condition of conducting business in the municipality's or other political subdivision's jurisdiction."

- END -

I hereby certify that the within bill,
SB 0289, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 289

INTRODUCED BY LAIBLE

AN ACT PROVIDING THAT A LOCAL GOVERNMENT WITH SELF-GOVERNING POWERS MAY NOT IMPOSE A LICENSE FEE OR LICENSE TAX ON A REAL ESTATE BROKER OR SALESPERSON; AND AMENDING SECTION 37-51-312, MCA.

FISCAL NOTE

Bill #: SB0289 **Title:** Exemption from city licensing requirements for professional persons

Primary Sponsor: Laible, R **Status:** As Introduced

Sponsor signature Date

David Ewer, Budget Director Date

Fiscal Summary

	FY 2006 Difference	FY 2007 Difference
Expenditures:		
General Fund	$0	$0
Revenue:		
General Fund	$0	$0
Net Impact on General Fund Balance:	$0	$0

☐ Significant Local Gov. Impact ☐ Technical Concerns

☐ Included in the Executive Budget ☐ Significant Long-Term Impacts

☐ Dedicated Revenue Form Attached ☐ Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. This bill has no fiscal impact to the state.